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**Introduced by Senator Johnston**  
(Principal coauthor: Assembly Member Ortiz)

January 13, 1997

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An act to amend Section 12050 of the Penal Code, relating to weapons.

LEGISLATIVE COUNSEL'S DIGEST

SB 146, as introduced, Johnston. Firearms: licenses.

Existing law authorizes the sheriff of a county or the chief or other head of a municipal police department of any city or city and county to issue a license to carry a pistol, revolver, or other firearm capable of being concealed upon the person upon proof, among other things, that the person applying is a resident of the county.

This bill instead would provide that the license may be issued upon proof, among other things, that the person applying is a resident of the county, city, or city and county. For purposes of administering this authority, the bill would limit the jurisdiction of the sheriff to residents of the county, and would limit the jurisdiction of the chief or other head of a municipal police department to residents of the city.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 12050 of the Penal Code is  
2 amended to read:

1 12050. (a) (1) The sheriff of a county or the chief or  
2 other head of a municipal police department of any city  
3 or city and county, upon proof that the person applying  
4 is of good moral character, that good cause exists for the  
5 issuance, and that the person applying is a resident of the  
6 county, *city, or city and county*, may issue to that person  
7 a license to carry a pistol, revolver, or other firearm  
8 capable of being concealed upon the person in either one  
9 of the following formats:

10 (A) A license to carry concealed a pistol, revolver, or  
11 other firearm capable of being concealed upon the  
12 person.

13 (B) Where the population of the county is less than  
14 200,000 persons according to the most recent federal  
15 decennial census, a license to carry loaded and exposed  
16 in that county a pistol, revolver, or other firearm capable  
17 of being concealed upon the person.

18 (2) A license issued pursuant to this section is valid for  
19 any period of time not to exceed one year from the date  
20 of the license, or in the case of a peace officer appointed  
21 pursuant to Section 830.6, three years from the date of the  
22 license.

23 (3) (A) *With respect to this section, the jurisdiction of*  
24 *the sheriff of a county shall be limited solely to residents*  
25 *of that county.*

26 (B) *With respect to this section, the jurisdiction of the*  
27 *chief or other head of a municipal police department of*  
28 *any city shall be limited solely to residents of that city.*

29 (b) A license may include any reasonable restrictions  
30 or conditions which the issuing authority deems  
31 warranted, including restrictions as to the time, place,  
32 manner, and circumstances under which the person may  
33 carry a pistol, revolver, or other firearm capable of being  
34 concealed upon the person.

35 (c) Any restrictions imposed pursuant to subdivision  
36 (b) shall be indicated on any license issued.

37 (d) A license shall not be issued if the Department of  
38 Justice determines that the person is within a prohibited  
39 class described in Section 12021 or 12021.1 of this code or  
40 Section 8100 or 8103 of the Welfare and Institutions Code.

1 (e) (1) The license shall be revoked by the local  
2 licensing authority if at any time either the local licensing  
3 authority is notified by the Department of Justice that a  
4 licensee is within a prohibited class described in Section  
5 12021 or 12021.1 of this code or Section 8100 or 8103 of the  
6 Welfare and Institutions Code, or the local licensing  
7 authority determines that the person is within a  
8 prohibited class described in Section 12021 or 12021.1 of  
9 ~~the~~ *this* code or Section 8100 or 8103 of the Welfare and  
10 Institutions Code.

11 (2) If at any time the Department of Justice  
12 determines that a licensee is within a prohibited class  
13 described in Section 12021 or 12021.1 of this code or  
14 Section 8100 or 8103 of the Welfare and Institutions Code,  
15 the department shall immediately notify the local  
16 licensing authority of the determination.

17 (3) If the local licensing authority revokes the license,  
18 the Department of Justice shall be notified of the  
19 revocation pursuant to Section 12053. The licensee shall  
20 also be immediately notified of the revocation in writing.

21 (f) (1) A person issued a license pursuant to this  
22 section may apply to the licensing authority for an  
23 amendment to the license to do one or more of the  
24 following:

25 (A) Add or delete authority to carry a particular pistol,  
26 revolver, or other firearm capable of being concealed  
27 upon the person.

28 (B) Authorize the licensee to carry concealed a pistol,  
29 revolver, or other firearm capable of being concealed  
30 upon the person.

31 (C) If the population of the county is less than 200,000  
32 persons according to the most recent federal decennial  
33 census, authorize the licensee to carry loaded and  
34 exposed in that county a pistol, revolver, or other firearm  
35 capable of being concealed upon the person.

36 (D) Change any restrictions or conditions on the  
37 license, including restrictions as to the time, place,  
38 manner, and circumstances under which the person may  
39 carry a pistol, revolver, or other firearm capable of being  
40 concealed upon the person.

1 (2) When the licensee changes his or her address, the  
2 license shall be amended to reflect the new address and  
3 a new license shall be issued pursuant to paragraph (3).

4 (3) If the licensing authority amends the license, a new  
5 license shall be issued to the licensee reflecting the  
6 amendments.

7 (4) The licensee shall notify the licensing authority in  
8 writing within 10 days of any change in the licensee's  
9 place of residence. If the license is one to carry concealed  
10 a pistol, revolver, or other firearm capable of being  
11 concealed upon the person, then it may not be revoked  
12 solely because the licensee changes his or her place of  
13 residence to another county if the licensee has not  
14 breached any conditions or restrictions set forth in the  
15 license or has not fallen into a prohibited class described  
16 in Section 12021 or 12021.1 of this code or Section 8100 or  
17 8103 of the Welfare and Institutions Code. If the license  
18 is one to carry loaded and exposed a pistol, revolver, or  
19 other firearm capable of being concealed upon the  
20 person, the license shall be revoked immediately if the  
21 licensee changes his or her place of residence to another  
22 county.

23 (5) An amendment to the license does not extend the  
24 original expiration date of the license and the license shall  
25 be subject to renewal at the same time as if the license had  
26 not been amended.

27 (6) An application to amend a license does not  
28 constitute an application for renewal of the license.

